IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6722 of 2005

Between:

1 Municipal Workers Welfare Society gudivada, Regd. Under Society Regn. Act-XXI of 1860 having its Office at 6-207, Pedda Veddhi, Gudivada, Krishna District Rep. by its Secretary Dhanala Satyanarayana.
2 Navata Dwcra Group, Rep. by its Secretary K. Durga, R/o. 16-398-3-5, choudarypeta, Gudivada, Krishna District.

..... PETITIONERS

AND

1 The Commissioner, Gudivada, Municipality, Gudivada, Krishna District.
2 The Municipal Council, Rep. by its Chairperson, Gudivada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order/direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents issuing proceedings R.O.C.No. F1/3372/2004, dated 21-03-2005 as illegal, arbitrary and contrary to the principles of natural justice and Article 14 and 21 of the Constitution of India.

Counsel for the Petitioners: MR.V.RAGHU

Counsel for the Respondents: MR.S.NAGESWARA REDDY

This Court at the admission stage made the following:

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6722 of 2005

O R D E R:

Heard the learned counsel for the petitioners and perused the material on record.

The petitioners seek a writ of Mandamus declaring the action of the respondents in issuing the proceedings dated 21-03-2005 as arbitrary and illegal.

It is stated that the members of the petitioners-Societies have been working under the respondent-Municipality as Sanitation Workers since 2001 and that they are entitled to continue in service till 31-03-2005 as per Resolution No.354 dated 31-01-2005 passed by the respondent-Municipality. Under the impugned proceedings dated 21-03-2005 the petitioners were informed that since the contract granted in favour of the members of the petitioners expires by 31-03-2005, it is not possible to continue them beyond 31-03-2005. The petitioners do not dispute the fact that the period of contract expires on 31-03-2005. However, their plea is that the sanitation work being perennial in nature and since it is the only source of livelihood of their members, the respondent-Municipality ought to have allowed them to continue by extending the period of contract.

Since admittedly the term of contract granted in favour of the petitioners expires by 31-03-2005, no writ of Mandamus can be issued compelling the respondents to continue the members of the petitioners. However, the petitioners state that they made a representation on 23-03-2005 requesting the respondent-Municipality to continue the members of the petitioners-Societies beyond 31-03-

2005. If that be so, it is for the respondent-Municipality to consider the same and to take appropriate decision.

Accordingly the writ petition is disposed of leaving it open to the respondent-Municipality to consider the representation of the petitioners dated 23-03-2005 and to pass appropriate orders in accordance with law. No costs.

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(**G. ROHINI, J**)

Date: 31-03-2005

ghn

To

1 The Commissioner, Gudivada-Municipality, Gudivada, Krishna District.

2 The Chairperson, Municipal Council, Gudivada, Krishna District.

3 Two CD copies.